

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

GEORGE MOORE and JAMES JILEK, on	)	
behalf of themselves and all others similarly	)	
situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	Cause No. 4:18-cv-01962-SEP
COMPASS GROUP USA, INC., D/B/A	)	
CANTEEN,	)	
	)	
Defendant.	)	
	)	

**DECLARATION OF NICOLE C. MUELLER**

I, Nicole C. Mueller, hereby declare and state as follows:

1. I am one of the attorneys of record in this matter for Defendant Compass Group USA, Inc. (“Compass”), admitted to appear in this matter *pro hac vice*, and am an active member in good standing with the State Bar of Illinois. I maintain my office at 70 W. Madison Street, Suite 3100, Chicago, Illinois 60602.
2. I make this declaration in support of Defendant’s Response in Opposition to Plaintiffs’ Motion for Class Certification.
3. I have personal knowledge of the matters set forth in this declaration, and if called upon as a witness I could and would testify competently thereto.
4. Attached hereto as Exhibit 1 is a true and correct copy of an e-mail I received from Rick Cornfeld, counsel for Plaintiffs, on May 18, 2023.

5. Attached hereto as Exhibit 2 is a true and correct copy of James Jilek's original Class Action Complaint, filed on October 25, 2019 in Case No. 2:19-cv-10139 in California Superior Court, County of Los Angeles.

6. Attached hereto as Exhibit 3 is a true and correct copy of an e-mail I received from Anthony Jenkins, counsel for Plaintiffs, on March 17, 2023, transmitting documents Bates-stamped Jilek000023 – Jilek000314, which Mr. Jenkins represented were copies of Plaintiff James Jilek's credit card statements.

7. Attached hereto as Exhibit 4 is a true and correct copy of Frances J. Ivery's original Class Action Complaint, filed on May 13, 2019 in Cause No. DC-19-06786 in Texas District Court, Dallas County.

8. Attached hereto as Exhibit 5 is a true and correct copy of an e-mail sent to my colleague at K&L Gates by Mr. Cornfeld on April 14, 2023, which was forwarded to me on April 17, 2023.

9. Attached hereto as Exhibit 6 is a true and correct copy of a series of e-mails I exchanged with Mr. Jenkins on September 28-29, 2023.

10. Attached hereto as Exhibit 7 is a true and correct copy of Plaintiff Brian Baldwin's Class Action Complaint, filed on October 20, 2022 in Case No. 5:22-cv-03644-MGL, in the United States District Court for the District of South Carolina, which was subsequently transferred to the Eastern District of Missouri (Case No. 4:23-cv-00568-JAR) (the "Baldwin Litigation").

11. Attached hereto as Exhibit 8 is a true and correct copy of Plaintiff Brian Baldwin's Response to Compass's First Set of Interrogatories, dated August 18, 2023 and served on me in connection with the Baldwin Litigation.

12. Attached hereto as Exhibit 9 is a true and correct copy of Plaintiff Andres Borrero's Class Action Complaint, filed on October 20, 2022 in the United States District Court for the Middle District of Florida.

13. Attached hereto as Exhibit 10 is a true and correct copy of a series of e-mails I exchanged with Mr. Jenkins and Mr. Cornfeld from June 14, 2023 through October 25, 2023.

14. Attached hereto as Exhibit 11 is a true and correct copy of Plaintiff Jason Pemberton's Class Action Complaint, filed on October 20, 2022 in Madison County, Illinois Circuit Court.

15. Attached hereto as Exhibit 12 is a true and correct copy of Plaintiff Joseph Whitaker's Class Action Complaint, filed on December 16, 2022 in North Carolina, County of Davidson, Superior Court.

16. Attached hereto as Exhibit 13 is a true and correct copy of the August 3, 2023 Order granting the parties' joint motion to stay Plaintiff Joseph Whitaker's action pending the conclusion of this case.

17. In July 2022, certain reports (each a "Report") were produced in connection with this litigation. The Reports summarize, *inter alia*, the results of the surveys Compass performed of its vending machines on a state-by-state basis. A separate Report was created for each state in which Compass operates vending machines and includes the revenue associated with each machine.

18. On July 19, 2022, Compass produced a report for its vending machines located in South Carolina as a spreadsheet bates labeled CG-0022195. The spreadsheet has over eleven thousand rows of data. Rows, 2993-94, 3358, 3733, 3737-38, 3754-56, 3979, 4001, 4477, 4803-05, 4807, 4810-12, 4884, 4897, 4975, 5268, 5298, 5943-49, 5975-79, 6703, and 7040 show that

the locations where Brian Baldwin allegedly made his purchases had labeled, unlabeled, and unsurveyed machines. Compass has not attached this spreadsheet as an exhibit due to its size restrictions but, upon request from this Court, Compass will provide an electronic version of this document.

19. On July 19, 2022, Compass produced a Report for its vending machines located in Florida as a spreadsheet bates labeled CG-0022198. The spreadsheet has over twenty-seven thousand rows of data. Rows 23559, 24689, 24947, 25368, 27629, and 27631 show that the location where Andres Borrero allegedly made his purchases had four labeled machines, and had two machines that were not surveyed. Compass has not attached this spreadsheet as an exhibit due to its size restrictions but, upon request from this Court, Compass will provide an electronic version of this document.

20. On July 19, 2022, Compass produced a Report for its vending machines located in Illinois as a spreadsheet bates labeled CG-0022218. The spreadsheet has over twenty thousand rows of data. Rows 2099, 2144, 2200, 2371, 2479, 2497, 2498, 2585, 2592, 2644, 2683, 2718, 2724, 2729, 2733, 2785, 2818, 2825, 2846, 2856, 2858, 3068, 3126, 3270, 3271, 3328, 3336, 3346, 3364, 3419, 3421, and 3459 show that of the 32 machines at the location where Jason Pemberton made his purchases, 24 machines were labeled. Compass has not attached this spreadsheet as an exhibit due to its size restrictions but, upon request from this Court, Compass will provide an electronic version of this document.

21. On July 19, 2022, Compass produced a Report for its vending machines located in North Carolina as a spreadsheet bates labeled CG-0022187. The spreadsheet has over sixteen thousand rows of data. Rows 12356, 15121, and 15457 show that the location where Joseph Whitaker allegedly made his purchases had two machines that were surveyed were labeled, and

had one machine that was not surveyed. Compass has not attached this spreadsheet as an exhibit due to its size restrictions but, upon request from this Court, Compass will provide an electronic version of this document.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 10, 2023 in Chicago, Illinois.

/s/ Nicole C. Mueller

Nicole C. Mueller, 6309735IL

(Pro Hac Vice)

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed with the Clerk of Court via the Court's CM/ECF system on November 10, 2023, which will serve all counsel of record.

/s/ Nicole C. Mueller